

Introduced by: Council Present

**AN ORDINANCE OF THE CITY OF BERKELEY AMENDING CHAPTER 225, BY ADDING A NEW SECTION, FOR THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL AND MANAGEMENT OF WASHINGTON PARK CEMETERY, 4650 JAMES S. MCDONNELL BOULEVARD, BERKELEY MISSOURI, PURSUANT TO RSMO 214**

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

**Section 1. Washington Park Cemetery**

Pursuant to RSMo 214.010. Local government may acquire and dispose of cemeteries within boundaries – authority to regulate – penalties.

The City of Berkeley hereby establishes the rules and regulations and reserves the right to adopt additional rules or to amend, alter or repeal any rule or regulation or parts thereof at any time.

The City Manager shall hire the necessary employees for all the work at the cemetery and expend all money for the care and improvement of grounds, enforce the ordinances of the City for the management and care thereof, and make such regulations for the dead.

Washington Park cemetery shall be designated Park Land.

**Section 2. Definitions**

Disinterment – To dig up or remove from a grave or tomb; exhume.

Funeral Director – One whose business is to arrange for the burial or cremation of the dead and assist at the funeral rites and who is usually an embalmer. Also called *mortician, undertaker*.

Ownership – City of Berkeley shall hold the cemetery in perpetuity as a public cemetery, designated as Park Land.

**Section 3. Sale of Lots of Burial Spaces Prohibited**

No sale shall be made for the ownership of the land, nor sale of lots or burial spaces.

**Section 4. Grave Openings Charges**

No burial space shall be opened except under the direction and control of the City of Berkeley and a licensed funeral director for the removal bodies and remains, which matters are under the supervision of the Saint Louis County Health Department.

Not less than 36 hours' notice shall be given in advance of any removal of bodies and remains to allow for the opening of the burial space.

The fee for grave opening for the removal of bodies and remains shall be as set forth by the Council as follows: \$500.00 for removal and restoring of grave, including plot compaction, seed and straw. This fee is paid before the grave is opened for the disinterment.

**Section 5. Markers or Memorials**

All graves must have individual identifying markers or memorial of a stone or other quality durable composition.

- a. Marker, memorial, headstone, or monument shall be located at the head of the gravesite.
- b. The appropriate permit for the removal of bodies and remains is required.
- c. The appearance of all graves shall be neat and orderly within the confines of the burial spaces involved.

**Section 6. Ground Maintenance**

- a. Urns, flower containers, statuary, and any other memorials are to be placed within six (6) inches of the headstones and in-line with the headstones. Shepherd hooks and urns are to be placed in-line with the headstones.
- b. Maintenance of these items will be the responsibility of the family members of the interred and not be included in perpetual care.
- c. No grading, leveling, excavating, mounding, and/or construction shall take place upon a burial space without the permission of the City Manager.
- d. No shrubs, trees, or vegetation of any type shall be planted outside of an urn or hanging basket, without written permission of the City Manager.
- e. Unsightly dead or dying plants shall be removed by the city.
- f. All artificial flower arrangements will be removed and discarded during spring and/or fall clean up.
- g. No glass containers will be allowed to be left in the cemetery.
- h. No fences of any kind shall be placed around or near grave sites.
- i. Surfaces other than earth or sod are prohibited.

- j. All refuse of any kind such as dried flowers, artificial flowers, wreaths, papers, and flower containers must be taken from the premise or deposited in the waste containers located within the cemetery.
- k. The park cemetery staff shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers that have become unsightly or a maintenance problem.

**Section 7. Records**

Historical records are kept the St. Louis County Library. The City of Berkeley does not have any historical records for the cemetery.

**Section 8. Disinterment: General Restrictions**

No disinterment will be allowed except by authority of the person owing the lot in which the interment is made, except by order of the Court, when proper receipt of the remains must be given. Graves shall not be opened for inspection except for official investigations. Interment and disinterment may be made only by the regular employees of the cemetery. The City of Berkeley shall exercise the utmost care in making the removal, but shall assume no liability for any damages to any casket, burial case, or urn incurred when making the removal. Any markers or monuments designation the location of an interment shall be removed at the time of disinterment and replaced if and when upon reinterment.

**Section 9. Leased Parcels**

Leased Parcels shall negotiate leases with the City of Berkeley.

**Section 10. Penalties**

Any person, firm, or corporation who violates any of the provisions within the Ordinance shall be guilty of a misdemeanor and shall be subject to the fine of up to \$500.00 and/or imprisonment of up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the complained activity.

**Section 11. Severability**

The provisions within the Ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared invalid or unconstitutional by any court of the competent jurisdiction, such decision shall only affect the particular provision, section or part thereof in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

**Section 12. Effective Date**

That this ordinance shall take effect immediately upon its passage.

1st Reading this 18<sup>th</sup> day of November 2019

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2019

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2019

\_\_\_\_\_  
Theodore Hoskins, Mayor

ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___